

## CONDUCT OF ELECTION REPORT

The County Canvassing Board must submit a completed Conduct of Election Report to the Division of Elections at the same time that the board submits its certified official election results for any presidential preference primary, general, primary, or special election, whichever is applicable, pursuant to Section 102.141(9), Florida Statutes, (F.S.).

On behalf of the county canvassing board, the Supervisor can submit the report via the SOE File Transfer Utility on the SOE portal. If assistance is needed in the completion of this report, please contact Bureau of Voting Systems Certification, Eleonor Lipman; [Eleonor.Lipman@dos.myflorida.com](mailto:Eleonor.Lipman@dos.myflorida.com); 850-245-6258 or Zane Wood; [Zane.Wood@dos.myflorida.com](mailto:Zane.Wood@dos.myflorida.com); 850-245-6123.

### GENERAL INFORMATION

1. County: **Broward**  
Date of Election: **11/6/2018**  
Election (Check one): ☐ Presidential Preference Primary Election  
☐ Primary Election  
☒ General Election  
☐ Other election (specify): \_\_\_\_\_
2. Election Definition created by (Check one): ☒ County Supervisor of Elections' Office (SOE)  
☐ Vendor  
☐ Consultant  
☐ Other (specify): \_\_\_\_\_

### EQUIPMENT

3. Voting Devices (Insert the applicable number):

Vote-by-Mail (VBM) Central Count Marksense Scanners		
Initial Total VBM Scanners	Removed	Replaced or Added
<b>8</b>	<b>0</b>	<b>0</b>

Precinct Count Marksense Scanners				
	Number of Polling Locations	Initial Total Deployed	Removed	Replaced or Added
Early Voting	<b>22</b>	<b>136</b>	<b>0</b>	<b>8</b>
Election Day	<b>577</b>	<b>1684</b>		

## CONDUCT OF ELECTION REPORT

ADA (Americans with Disabilities) Voting Devices (e.g., Marking device and/or DRE Touchscreen)				
	Number of Polling Locations	Initial Total Deployed	Removed	Replaced or Added
Early Voting	<b>22</b>	<b>22</b>	<b>0</b>	<b>1</b>
Election Day	<b>577</b>	<b>577</b>		<b>1</b>

*Reason for removal, replacement or addition of voting devices:*

**Early Voting: 8 DS200 Replaced. Sensor issues, Jamming**

**Election Day: 20 DS200 Replaced. Sensor issues, Jamming, 1Unit bad screen.**

**ADA ExpressVote Early Voting: 1 Unit Bad spring on lifting mech**

4. Did **equipment or software** issues occur at the precinct level, at a counting location, or within computer and telecommunications networks supporting county location? (*Section 102.141(9)(a)1., F.S.*)

☒ **NO** Proceed to #5.

☐ **YES** Specify the number of issues in the appropriate column(s) in the table below, indicate the specific type of issue(s) incurred on the checklist, and explain the steps taken to resolve the issue(s) on the lines provided (☐ check this box if on a separate sheet).

		Number of issues		
		Early Voting Site	Election Day Polling Locations	Central Location
Equipment	Marksense Scanner	<b>8</b>	<b>21</b>	
	ADA Marking Device	<b>0</b>	<b>1</b>	
	ADA DRE Touchscreen	<b>0</b>	<b>0</b>	<b>0</b>
Software	Marksense Scanner	<b>0</b>	<b>0</b>	<b>0</b>
	ADA Marking Device	<b>0</b>	<b>0</b>	
	ADA DRE Touchscreen	<b>0</b>	<b>0</b>	
Computer	Election Mgmt. System			<b>0</b>
Telecommunications	Modems and Phone lines	<b>0</b>	<b>0</b>	<b>0</b>

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Checklist for type of equipment/software issues encountered (Check all that apply)	
<b>Early Voting and Election Day</b>	
<b>Voting devices</b>	
<input type="checkbox"/>	Voting devices – not connected to electrical power or power source issue
<input type="checkbox"/>	Voting devices – battery backup issue – battery not charged
<input type="checkbox"/>	Voting devices – battery backup issue – removed from service
<input type="checkbox"/>	ADA device issue – repaired – remained in service
<input type="checkbox"/>	ADA device media issue – media replaced
<input type="checkbox"/>	Marksense scanner issue – repaired – remained in service
<input type="checkbox"/>	Marksense scanner memory media issue – media replaced
<input type="checkbox"/>	Marksense scanner did not reject a blank ballot
<input type="checkbox"/>	Marksense scanner did not reject a ballot with an overvoted contest
<input type="checkbox"/>	Marksense scanner did not accept one or more undervoted contests
<input type="checkbox"/>	Ballot box diverter issue – removed from service
<input type="checkbox"/>	Ballot box diverter issue – repaired – remained in service
<input type="checkbox"/>	Used the marksense scanner's ballot box emergency/auxiliary bin
<input type="checkbox"/>	Could not complete a planned modem upload or problems with the phone lines
<input checked="" type="checkbox"/>	Other – Provide the description
<b>Central Location</b>	
<i>Vote-by-Mail tabulation</i>	
<input type="checkbox"/>	Marksense scanner issue – repaired – remained in service
<input type="checkbox"/>	Marksense scanner memory media issue – media replaced
<input type="checkbox"/>	Other – Provide the description
<b>Election Management</b>	
<input type="checkbox"/>	Problem uploading results or creating reports
<input type="checkbox"/>	Other – Provide the description

*Resolution Steps:*

**Units replaced**

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5. Were any **election definition errors** discovered after the logic and accuracy test?  
(Section 102.141(9)(a)2., F.S.)

- ☒ **NO** Proceed to #6.
- ☐ **YES** Specify the number of issues in the appropriate column(s) in the table below and explain the steps taken to resolve the issue(s) on the lines provided (☐ check this box if on a separate sheet).

	Number of issues		
	Election definition issues	Precinct count media issues	Central count media issues
County created definition or media			
Vendor created definition or media with correct county information			
Vendor created definition or media with incorrect information from the county			

*Notes: Election Day refers to the polling locations. Media refers to a tabulator's memory cards, memory packs, USB flash memory, zip drive, PEBs, etc.*

*Resolution Steps:*

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## BALLOTS

6. **Ballot-Printing** (Check all that apply):

	Early Voting	Election Day	Vote-by-Mail
Ballot-on-Demand (BOD)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ballot Printer Service (provided by SOE's Voting System Vendor)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ballot Printer Service (provided by vendor other than SOE's Voting System)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

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7. Did any ballot printing and/or ballot supply problems occur? (Section 102.141(9)(a)3., F.S.)

- ☐ **NO** Proceed to #8.
- ☒ **YES** Specify the number of issues in the appropriate column(s) in the table below, indicate the specific type of issue(s) incurred on the checklist, and explain the steps taken to resolve the issue(s) on the lines provided (☐ check this box if on a separate sheet).

	Number of issues			
	Electronic ballot layout issues	Paper ballot layout issues	Paper ballot printer issues	Paper ballot supply problems
County created the ballot	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Vendor created <u>with correct</u> county information				
Vendor created <u>with incorrect</u> information from the county				

Checklist for type of ballot or printer issues encountered (Check all that apply)	
<b>Early Voting and Election Day</b>	
<b>Polling location</b> <i>(please identify the location)</i>	
<input type="checkbox"/>	Incorrect ballots provided to the voter – poll worker
<input type="checkbox"/>	Ballot moisture (humidity) cannot scan
<b>Vote-by-Mail</b>	
<input type="checkbox"/>	Incorrect ballots provided to the voter – election staff
<input type="checkbox"/>	Incorrect ballots provided to the voter – vendor error
<b>Ballot-on-demand (BOD)</b>	
<input type="checkbox"/>	Printed incorrect ballots – printer configuration error, such as duplex
<input type="checkbox"/>	Printed incorrect ballots – software error
<input checked="" type="checkbox"/>	Printer failure <b>Multiple mechanical issues. Belts, Fusers, Camera</b>
<input type="checkbox"/>	Incorrect ballots provided to the voter – poll worker
<b>Other</b>	
<input type="checkbox"/>	Describe the issue:

*Resolution Steps:*

**Replaced units and or repaired on site and placed back into service.**

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## CONDUCT OF ELECTION REPORT

### ELECTION ADMINISTRATION

8. Did you have any **staffing shortages and/or procedural problems** by employees or precinct workers during the conduct of the election?  
(Section 102.141 (9)(a)4., F.S.)

☒ **NO** Proceed to #9.

☐ **YES** Specify the number of issues in the appropriate column(s) in the table below, indicate how the issue was addressed, and explain the steps taken to resolve the issue(s) on the lines provided (☐ check this box if on a separate sheet).

Who experienced the issue	Number of shortages	Number of times that additional training may have mitigated the problem(s)	Number of times when procedures were not followed
Poll workers			
Election staff			
Security			
Temporary support			

*Resolution Steps:*

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9. Were there instances when the needs for **staffing and equipment were insufficient** to meet voters' needs? (Section 102.141(9)(a)5., F.S.)

☒ **NO** Proceed to #10.

☐ **YES** Specify the numbers in the appropriate column(s) in the next table and explain the steps taken to resolve the issue(s) on the lines provided (☐ check this box if on a separate sheet).

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	Number of planned resources for Election Day	Number of resources available for Election Day	Number of insufficient resources on Election Day to meet the voters' needs
Poll workers	<b>4015</b>		
Election staff	<b>68</b>		
Voting devices	<b>2419</b>	Note below and see page 1	
Other equipment and supplies	<b>18896</b>		

*Note: The number of "planned" items is based on the Election Day estimates, and "available" is the actual items at the start of the Election Day. Note that the number of voting devices available is based on the actual initial total deployment including ADA devices as provided on page 1 for Election Day. Other equipment and supplies, for example, refers to summation of the number of electronic pollbook devices, provisional ballot supplies, ballot boxes, transfer bags, etc.*

### *Resolution Steps:*

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**10.** Did you experience any issues associated with Voter Check – In? (Section 102.141(9)(a)6., F.S.)

☒ **NO** Proceed to #11.

☐ **YES** Specify the number of issues in the appropriate column(s) in the table below, indicate the specific type of issue(s) incurred on the checklist, and explain the steps taken to resolve the issue(s) on the lines provided (☐ check this box if on a separate sheet).

	Number of issues	
	Early Voting Site	Election Day Polling Locations
Electronic Poll Book/ Precinct Register (If used in election)		
Paper poll book / precinct register		



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Checklist for type of voter check-in issues encountered (Check all that apply)	
<b>Early Voting and Election Day</b>	
<b>Electronic-Poll Book</b>	
<b>Type:</b>	<b>Vendor:</b>
<input type="checkbox"/> Electronic Poll Book – not connected to electrical power or power source issue	
<input type="checkbox"/> Electronic Poll Book functionality issue – repaired – remained in service	
<input type="checkbox"/> Electronic Poll Book functionality issue – removed from service	
<input type="checkbox"/> Electronic Poll Book media issue – media replaced	
<input type="checkbox"/> Electronic Poll Book connectivity issue – repaired – remained in service	
<input type="checkbox"/> Electronic Poll Book connectivity issue – removed from service	
<input type="checkbox"/> Electronic Poll Book Check-In Process	
<b>Paper poll book / precinct register</b>	
<input type="checkbox"/> Paper Poll Book – Incorrect	
<input type="checkbox"/> Paper Poll Book – Check-In Process	
<b>Other</b>	
<input type="checkbox"/> Describe the issue:	

*Resolution Steps:*

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11. Did you experience **any additional issues** associated with the conduct of election?  
*(Section 102.141(9)(a)6., F.S.)*

- ☐ **NO**    Proceed to #12.
- ☒ **YES**    Indicate on the checklist the type of issue(s), and explain the steps taken to resolve the issue(s) on the lines provided (☒ check this box if on a separate sheet).

Checklist for Additional Issues	
<b>Early Voting and Election Day</b>	
<b>Polling location</b>	
<input type="checkbox"/>	Incorrect setup



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Checklist for Additional Issues	
<input checked="" type="checkbox"/>	Solicitation area violated <b>Early Voting</b>
<input type="checkbox"/>	Incompatible for ADA accessibility
<input type="checkbox"/>	Incompatible for use as a polling location
<b>Voters</b>	
<input checked="" type="checkbox"/>	Fleeing voter
<input type="checkbox"/>	Disruptive behavior
<input type="checkbox"/>	Disruptive photography
<b>Observers</b>	
<input type="checkbox"/>	Not approved
<input checked="" type="checkbox"/>	Disruptive behavior <b>Distracting Poll Workers from their jobs.</b>
<input type="checkbox"/>	Disruptive photography
<b>Media and/or citizen polling</b>	
<input type="checkbox"/>	Disruptive behavior
<b>Other</b>	
<input checked="" type="checkbox"/>	Describe the issue: <b>See supplemental report.</b>

*Resolution Steps:*

**Contacted local LEO**

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### CANVASSING BOARD

12. If the canvassing board conducted a manual recount of overvotes and undervotes, does the canvassing board have suggested revisions for the standards for determining a voter's choice as set forth in law or rule to better determine the voter's choice for any ballot on which a determination could not be made? *(Sections 101.6952(2) and 102.166(4), F.S. and Rules 1S-2.027 and 1S-2.051)*
- ☐ **N/A** Proceed to #13.
  - ☐ **NO** Proceed to #13.
  - ☐ **YES** Provide suggested revisions to the standards below and, as necessary, attach additional pages and a copy of a representative ballot for which a determination could not be made to illustrate the issue.

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*Suggestions:*

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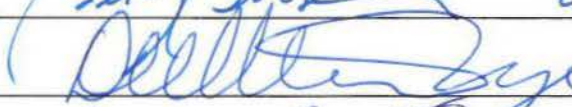
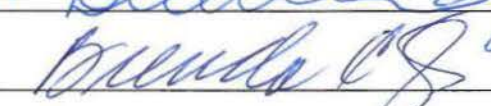
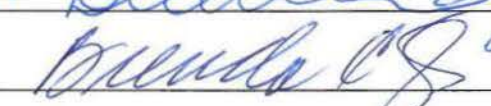
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### 13. Signatures

#### County Canvassing Board

	Signature	Title	Date
1.		CHAIR	
2.		County CR JUDGE	11/18/18
3.		County Court Judge	11/18/18
		Supervisor Reg	11/18/18

NOTICE: A statutory duty exists to continually report any new or additional information on any of the items required to be included in this Report. The supervisor of elections must:

- Notify the Division of Elections no later than the next business day after the discovery of the information; and
- Submit a signed written report amended report no later than no later than 10 days after the discovery. (Section 102.141(9)(b), F.S.)

RECEIVED

2018 DEC -3 AM 9:52

DIVISION OF ELECTIONS  
TALLAHASSEE, FL

November 18, 2018

To: Florida Department of State

From: Broward County Canvassing Board

Re: Report on the Conduct of the November 2018 Election

This below-signing members of the Broward County Canvassing Board respectfully request that the Division of Elections accept this memorandum as a supplement to the Canvassing Board's report pursuant to Section 102.141(9)(a) of the Florida Statutes.

Pursuant to Florida Elections Code, the Canvassing Board canvassed all ballots and ballot envelopes provided to it by the Broward County Supervisor of Elections (SOE) and her staff. The Canvassing Board has no staff of its own, other than legal counsel provided by the Broward County Attorney's Office. The Canvassing Board's attestation to the facts contained in the standard form "Conduct of Election Report" provided to the Board by SOE staff is, except as stated herein, provided after diligent review and inquiry by the undersigned members but is ultimately based on information provided by the SOE.

§ 102.141(9)(a)(1) – Transmission and Communication Issues at Precincts: The Canvassing Board was informed by SOE staff of two types of equipment malfunctions at the precinct level on election day. First, seven (7) precincts were unable to transmit their results via modem to the SOE's regional office in Lauderhill on election night. Instead, those precincts brought their results to the regional office on hard electronic media. Second, SOE staff informed the Canvassing Board that, due to power outages and/or connectivity problems between the precinct and the SOE voter registration system, the identity of some early voters could not be verified at the polling place during Early Voting. Those voters were given provisional ballots.

§ 102.141(9)(a)(2) – Logic and Accuracy Tests:

During the logic and accuracy test for the machine recount, one of the ballot styles was inadvertently excluded from the test deck for one of the machines. This was brought to the attention of the Board by one of the party observers. The Board advised that the test be re-run on all the applicable machines, which was conducted without incident.

In addition, during the logic and accuracy test for the manual recount, one of the machines could not read one of the ballot pages in the test deck. SOE staff advised the Canvassing Board this was likely due to ballot fatigue. The page at issue was corrected by either darkening the oval or replacing the page.

§ 102.141(9)(a)(3) – Ballot Printing Errors or Ballot Supply Issues:

The Canvassing Board was not informed of any ballot printing errors or ballot supply problems.



§ 102.141(9)(a)(4) – Staffing Shortages or Procedural Violations:

The Canvassing Board is aware of staffing shortages and procedural violations. Staffing shortages delayed the canvassing throughout the canvassing process. Staffing shortages delayed canvassing so that canvassing of all materials that required canvassing were not timely presented to the Canvassing Board in time to complete the process prior to the deadline for the first unofficial results. Staffing shortages also negatively impacted the ability of the Canvassing Board to complete canvassing activities prior to the deadline for the second unofficial results. SOE staff had insufficient staff to run more than one shift of operators of the DS-850 high-speed tabulators used in the machine recount, but 24-hour operation was necessary for timely completion of returns. SOE staff solved this problem by flying in additional staff provided by the equipment vendor, and borrowing two additional DS-850s from another location in Florida.

One example of a procedural violation was that SOE staff failed to bring 205 provisional ballots to the Canvassing Board for canvassing. Most of these ballots were the ones created due to the connectivity issues during early voting. Without conferring with the Canvassing Board, SOE staff determined that each of the electors in question were eligible to vote and that their signatures matched SOE records.<sup>1</sup> SOE staff opened the envelopes containing these ballots and separated the envelopes from the ballots such that the ballots could not be reunited with the envelopes. When the Canvassing Board became aware that these ballots had been canvassed by staff, the Board, upon advice of counsel, canvassed the opened envelopes (without the ballots). The Board determined that 182 of the envelopes were provided by eligible voters with matching signatures, but 23 could not be so verified. The Board determined to count all 205 ballots to avoid disenfranchising the voters for the errors of elections staff. *See Boardman v. Esteve*, 323 So. 2d 259, 266 (Fla. 1975) (stating that, absent fraud, election statutes should be liberally construed to avoid disenfranchisement). In an abundance of caution, the Board instructed SOE staff to keep the 205 ballots logically and physically isolated so they could be identified if needed in a post-election challenge.

Another example of a procedural violation was in the reporting of the second unofficial results, which were due at 3 p.m. on Thursday, November 15. Although the Canvassing Board directed the SOE staff to prepare the report at 2:30 p.m. and submit the results, SOE staff was unable to complete the upload until 3:02 p.m., which the Division of Elections determined to be untimely. Division of Elections staff was present during the failed attempt to upload the report but was unable to provide appropriate direction to permit the submission; upon telephonic inquiry to Division of Elections staff in Tallahassee minutes before the deadline, SOE staff was advised that the submission required manual entry of each line item. The manual entry was partially completed and submitted at 3:02 p.m.

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<sup>1</sup> SOE staff properly brought other provisional ballots before the Canvassing Board for canvassing.

Pursuant to Paragraph 102.141(7)(c) of the Florida Statutes, the Board proceeded with the manual recounts in statewide races identified by the Secretary of State and in local races in which the candidates were separated by 0.25 percent or less.

§ 102.141(9)(a)(5) – Staffing or Equipment to Meet Needs of Voters:

The Canvassing Board does not know of any instances in which staffing or equipment were insufficient to meet the needs of voters, other than those mentioned above.

§ 102.141(9)(a)(6) – Additional Information:

The differences between the first unofficial returns and the rejected second unofficial returns were larger than expected. In particular, the total number of ballots cast decreased by 2,040 from the first unofficial returns to the rejected second unofficial returns. The Canvassing Board asked the SOE for an explanation of the discrepancy; the SOE stated that some ballots were not included in the machine recount.

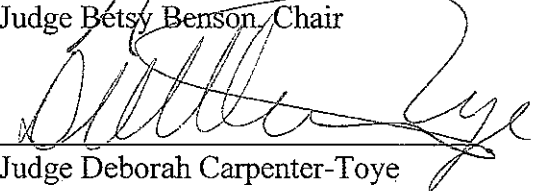
In addition, after filing the first unofficial returns, SOE staff brought the Canvassing Board 25 ballots for determinations of voter intent. These ballots should have been brought before the Board prior to the first unofficial returns, but were not due to the following sources of delay: (1) security and room-capacity issues in the canvassing room, including a threat against a public official; (2) numerous oral objections to specific ballots and other matters from attorneys for the candidates and political parties; and (3) very large numbers of vote-by-mail ballots and generally high turnout. The Board determined voter intent for each ballot and instructed SOE staff to keep the 25 logically and physically isolated so they could be identified if needed in a post-election challenge.

In the future, it would be helpful to plan for additional security when circumstances suggest it will be necessary. In addition, during the course of the canvassing, the Board refined its procedures for reviewing ballots to allow attorneys for candidates and parties to comment on ballots without interfering with timely reporting.

As a final note, the Canvassing Board was in session virtually every day since October 17 and, for a significant portion of that time, for twenty-four hours a day. Despite the availability of the Canvassing Board to promptly canvass all materials, the Board frequently had no ballots to canvass as the SOE staff had not prepared the necessary materials.

Signed this 18<sup>th</sup> day of November, 2018:

  
Judge Betsy Benson, Chair

  
Judge Deborah Carpenter-Toye

11/18/18

11/18/18

